

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

CR05-40016

Plaintiff,

GOVERNMENT'S MOTION IN LIMINE
REGARDING OPINING ON GUILT OR
INNOCENCE

vs.

REYES FABIAN OLIVERA-MENDEZ and
SERJIO RUELAS,

Defendants.

Comes now the United States of America, by and through Assistant United States Attorney John E. Haak, and submits the following Motion in Limine for consideration by the Court.

The government moves the Court in limine for an order precluding the defendants, their attorneys, or any witness from making any comments or references, whether direct or indirect, expressing their opinion on the defendants' guilt or innocence. Any attempt by defense counsel or any witness to express an opinion on the guilt or innocence of the defendants is a clear invasion of the province of the jury. It is not relevant evidence and should not be allowed.

Dated and electronically filed this 14th day of June, 2005.

MICHELLE G. TAPKEN
Acting United States Attorney

/s/ JOHN E. HAAK
JOHN E. HAAK
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 14th day of June, 2005, a true and correct copy of the foregoing was served upon the following person(s), by placing the same in the service indicated, addressed as follows:

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/s/ JOHN E. HAAK

JOHN E. HAAK
Assistant United States Attorney